

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, July 19, 2016

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on July 19, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes:

- a. June 10, 2016, Special Commission Meeting
- b. June 28, 2016, Regular Commission Meeting

Motion: Approve the minutes of the June 10, 2016 Special Meeting and the June 28, 2016 Regular Meeting with minor corrections, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

7. Approval of Resolutions:

- a. 2016-1 Line adjustments FY 2015-2016
- b. 2016-2 Budget Adjustments FY 2015-2016

Nita Taylor, County Manager reminded the Finance Director was required to present amendments to the budget to ensure no line items were in the negative. Ms. Taylor stated the adjustments presented in Resolution 2016-1 were within the same fund and created no impact on final budget fund balances.

Ms. Taylor stated Resolution 2016-2 was presented for approval of required budget amendments to reflect increases in revenue funds and to adjust for expenditures which exceeded the final budget. Ms. Taylor stated expenses exceeding budget typically resulted when revenues from reimbursements or other sources were not received prior to year-end. Ms. Taylor noted the adjustments were funded from year end cash balances.

Motion: Adopt Resolution 2016-1 and Resolution 2016-2, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT A: Copies of Resolution 2016-1 and Resolution 2016-2 are attached hereto in reference thereto made a part hereof.

8. Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending June 30, 2016
 - i. Treasurer's 4th Quarterly Report ending June 30, 2016
- c. Mutual Aid Fire Rescue Response Agreement with Village of Ruidoso
- d. Contract for Services between the County of Lincoln and Lincoln Community Church, Inc.
- e. SE New Mexico Economic Development District (SNMEDD) Agreement and Resolution 2016-4

Motion: Approval of the Consent Agenda as presented **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Stewart questioned a payment to King Industries for a structural analysis of the Annex building second floor.

Punkin Schlarb, Finance Director stated she planned to relocate a large automated metal filing system utilized by the Finance Department to the second floor of the Annex. Ms. Schlarb stated due to the weight of the cabinet the movers required a prior review of the structure by an engineer and therefore she requested the analysis from King Industries. Ms. Schlarb informed the analysis revealed the second floor was not sufficiently supported to bear the weight of this particular file system.

Commissioner Stewart questioned a payment to ERIC as authorized by the County Clerk.

Rhonda Burrows, Clerk explained prior legislation directed the Secretary of State to enroll the State of New Mexico in the multistate Electronic Registration Information Center (ERIC) to facilitate improved voter registration rolls but failed to provide adequate funding to complete the enrollment process. Ms. Burrows stated ERIC provided a \$70,000 grant to initiate the process which would expire should the State not complete initial enrollment in 2016. Ms. Burrows stated the Secretary of State requested financial support from the County Clerks. Ms. Burrows stated County Clerks agreed to a one time contribution to the enrollment process to prevent the loss of the \$70,000 grant.

Commissioner Stewart noted an equipment purchase for the ambulance service and questioned if this was a budgeted request.

Commissioner Willard reminded as per agreement any purchase over \$5000 was the responsibility of Lincoln County but purchases under \$5000 were the responsibility of Presbyterian Health Care Services.

Ms. Schlarb stated she would seek reimbursement of the expense from Presbyterian.

There was a general discussion of expenditures related to various vehicle repairs, movement of dumpsters, and other departmental expenditures.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT B: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

9. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Nita Taylor, County Manager provided copies of the Lincoln National Forest Plan Revision Newsletter detailing short term and long term timelines for the revision process. Ms. Taylor also provided a description and update on the Diamond Peak Pipeline Project which was forwarded to the Land and Natural Resources Committee (LANRAC) for review and comment. Ms. Taylor also reported the Lincoln National Forest increased the fire danger status to high due to recent fire activity.

b. Cibola National Forest

Ms. Taylor informed the Cibola National Forest planned to release a preliminary Draft Forest Plan by July 18, 2016. Ms. Taylor stated two public meetings were set in Corona and Mountainair to receive public input on the proposed revisions.

c. Community Forester

Rick Merrick, Community Forester discussed the recent fire in Timberon and the importance of thinning projects to mitigate fire damage to communities. Mr. Merrick discussed an upcoming CFRP treatment plan for 40 acres on Moon Mountain and reminded prior thinning in that area helped minimize the impact of that particular fire. Mr. Merrick stated the Upper Hondo Soil and Water Conservation District was working with Eastern New Mexico University – Ruidoso to develop a presentation on noxious weeds for the August 2, 2016 Speaker Series. Mr. Merrick stated he would present "Firewise" information during the Lincoln County Fair to educate about thinning on private property.

Commissioner Stewart questioned why South Central Mountain RC and D would consider participation in the Taos Beaver Study.

Mr. Merrick expressed belief SCMRCD was not a participant in the project but offered to research the question. Mr. Merrick also expressed concern about the continued opposition to thinning by the general public and the associated consequences.

d. Upper Hondo Soil & Water Conservation District

Ms. Taylor stated Laura Johnson was unable to attend but provided a copy of the District's Agenda for the Board Meeting of July 12, 2016.

e. Office of State Engineer-Water Issues

Ms. Taylor reported the State Engineer's website was still not functioning so she was unable to review for new postings of water right applications. Ms. Taylor stated she would contact the office directly and inform of any findings.

10. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 12 claims with 11 recommended for approval and 1 recommended for disapproval for a monthly authorization of \$6,150 including the Sole Community Provider claim approved last month. Mr. Annala stated approval of the claims would result in a total annual approval of Safety Net Care Pool claims for Fiscal Year 2016-2017 of \$73,800 based on this month's authorization.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 8 claims with 6 claims recommended for approval and 2 for disapproval for a total payment this month of \$4,632. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2016-2017 of approximately \$55,581.

Mr. Annala reported he received a \$6,858 refund resulting in net revenue for the month.

Motion: Approval and denial of the claims as indicated for the Safety Net Care Pool and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT C: Copies of the Safety Net Care Pool and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

11. Approval to Issue RFP for Hondo Fire Station Metal Building / Design of Concrete Pad

Ms. Taylor informed the Hondo Fire Department had developed plans and identified funds to build a new fire station on County owned property adjacent to the Hondo Senior Center. Ms. Taylor stated the estimated total cost for the project was \$720,000. Ms. Taylor stated part of the space was dedicated to housing an ambulance and as such Presbyterian Healthcare Services would contribute to the total cost. Ms. Taylor stated the Hondo Fire Department had received a \$235,000 Capital Appropriation in addition to an \$80,000 State Fire Marshal Grant which was currently included in the department's building fund of \$170,000. Ms. Taylor stated the New Mexico Finance Authority preapproved a loan to finance the remaining costs.

Ms. Taylor stated the State Fire Marshall also granted an extension for expenditure of the grant until the end of August of this year. Ms. Taylor stated the Hondo Fire Department was seeking approval to issue a Request for Proposal (RFP) for the metal building and concrete pad as soon as possible to meet the August deadline. Ms. Taylor stated plans were to issue an RFP for general contractor services once the building was delivered.

Andrew Coleman, Chief Hondo Fire Department discussed the department's current equipment and the need to acquire additional equipment to meet the needs of the area. Chief Coleman stated the Department needed a heavy rescue vehicle to deal with truck accidents on Highway 70.

Commissioner Stewart suggested the proposed size of the building was larger than needed.

Joe Kenmore, Director of OES acknowledged the design was for a larger structure than some of those recently constructed but suggested the size was appropriate based on the needed equipment storage space and a need for space to conduct multi-department training. Mr. Kenmore also discussed the department's need for equipment to respond to truck incidents on Highway 380 and Highway 70. Mr. Kenmore suggested the proposed size would accommodate future needs.

Motion: Approve the issuance of Requests for Proposals for an 80' x 90' metal building with design of concrete pad, **Action:** Approve, **Moved by** Commissioner Stewart

Motion failed for lack of second.

There was a general discussion regarding the equipment currently housed at the main Hondo Fire Department Station and the Hondo Sub-Station.

Commissioner Stewart suggested the estimated cost was low and the project could exceed the budget.

Mr. Kenmore stated inquires had yielded quotes of a lower cost per square foot. Mr. Kenmore stated the issuance of the Request for Proposals would provide accurate cost estimates.

Ms. Taylor clarified the intent was to acquire the metal building and a design for the concrete pad in a timely manner to avoid the loss of the Fire Marshall's Grant. Ms. Taylor stated plans were to issue a second RFP for actual construction.

Chair Stone questioned the financial contribution of Presbyterian towards the cost for storage of an ambulance.

Ms. Taylor stated Presbyterian submitted a budget request to Lincoln County for hospital funding which included \$20,000 for the cost of the ambulance bay.

Motion: Approve issuance of the Request for Proposals only, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Mr. Kenmore stated a proposed zero interest loan of approximately \$300,000 from the New Mexico Finance Authority to complete the project was sustainable by the Hondo Fire Department's annual budget.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

12. 9:30 AM: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Brad Treptow representing Lincoln County Medical Center introduced Todd Oberheu, the new hospital administrator.

Mr. Oberheu stated appreciation for the opportunity to work with Lincoln County to resolve issues and serve the community. Mr. Oberheu provided information about his professional background and mentioned his wife graduated from Ruidoso High School in 1990.

Commissioner Draper reported on his attendance at a recent Southeastern New Mexico Economic Development District meeting where he learned Hubert Quintana planned to retire. Commissioner Draper stated Mr. Quintana would oversee the transition to the new Executive Director Dora Batista. Commissioner Draper stated there was a discussion of problems associated with grant awards being dispersed to SNMEDD rather than the fiscal agent. Commissioner Draper stated this occurred with the Lincoln County grant for the new Carrizozo Senior Center. Commissioner Draper stated SNMEDD was working with the State of New Mexico to resolve these problems.

Commissioner Draper also reported on his participation as a member of the New Mexico Association of Counties Economic Development Committee and discussed proposed resolutions to protect statewide broadband funding for this area and a resolution related to changing the process for nonprofits to receive funding with a recommendation to provide for a three percent administration fee.

Commissioner Stewart expressed support for a Lincoln County Resolution to require non-profits acquire approval from the Board of County Commissioners prior to application for capital outlay funding.

Commissioner Stewart reported he continued to receive complaints regarding the slash issue. Commissioner Stewart stated there were likely potential commercial service providers but suggested Lincoln County's lack of a final decision on whether to provide the service was creating problems. Commissioner Stewart stated he also had complaints regarding the thistle invasion particularly in burn areas.

Commissioner Stewart requested the County Manager research a process to notify travelers in Carrizozo of highway closures by the White Sands Missile Range.

Commissioner Allen reported she planned to attend the upcoming State Personnel Board Hearing to consider staff reductions at the Lincoln and Fort Stanton Historic Sites on July 21, 2016. Commissioner Allen also stated she would attend a Historic Preservation Training in Mobile, Alabama to learn how to collaborate with various entities to accomplish goals.

Commissioner Allen mentioned the passing of Mary Skeen from Picacho. Commissioner Allen expressed appreciation for Ms. Skeen and her husband Joe Skeen, who served in the US House of Representatives, and their dedication to Lincoln County.

Beverly Calaway, Treasurer reminded the Payment in Lieu of Taxes 2016 payment received in June was based on total acreage which she noticed had declined from the prior year. Ms. Calaway stated she contacted the Department of the Interior who informed her the total acreage reported was based on annual reports received from the Bureau of Land Management and the US Forest Service. Ms. Calaway stated the changes in the total acreage were most likely from the sale or acquisition of property by these agencies.

Nita Taylor, County Manager reminded the New Horizon's facility was owned by Lincoln County and as such the County had supported their request for Capital Outlay. Ms. Taylor stated a fair value lease agreement was a State requirement but a problem was encountered when establishing the lease value due to the age of the facility.

Maury St. John, resident of Cedar Creek and former County Commissioner discussed the problems associated with the discontinuation of slash pick up. Ms. St. John stated residents of the area were largely unaware there was no slash pick up at this time and therefore piles of slash were accumulating increasing the fire danger in the area. Ms. St. John requested the County begin slash pick up to address the problem.

Jim Camper, President of the Cedar Creek Homeowners Association supported Ms. St John's concerns regarding the build-up of slash in the area. Mr. Camper stated he personally had witnessed people dumping on other people's property adding to the existing slash piles. Mr. Camper requested immediate assistance to clean up the current slash piles and then ongoing service to deal with the problem.

Commissioner Willard reported there was also a large slash pile on the corner of Homestead Acres which was dumped by others on private property. Commissioner Willard expressed the same concern about fire danger.

Doris Cherry, resident on Las Tablas Road reported the new dumpster placed there was very difficult to use due to the heavy lids. Ms. Cherry stated once the lids were open she was unable to close them and requested some accommodation for the situation.

Sylvia Montelongo stated she purchased a home in Nogal approximately one year ago but was not informed during closing of the associated solid waste bill. Ms. Montelongo stated she was a retired teacher and had been injured in an accident causing her to return to El Paso for six months since purchasing the property. Ms. Montelongo stated she received a solid waste bill for \$288 and requested amnesty for these charges based on the events mentioned.

Chair Stone stated he and the County Manager met with the Lincoln National Forest Land Use coordinator and discussed issues identified during revisions of the Cibola Forest Plan. Chair Stone stated he also addressed the Upper Hondo Soil and Water Conservation District regarding the Lincoln Forest Plan Revision to inform them of the importance of participation by municipalities, county government, and conservation districts as governmental entities. Chair Stone stated he also met with the Smokey Bear District Ranger Heather Noel to discuss topics of concern including watershed maintenance, fire prevention, and timber harvest.

13. Manager's Report

1. **Annual Audit:** Auditors were in house all week conducting reviews of County records, analyzing assets, revenues, and expenditures and comparing actuals with the budget and with past performance. The auditors also closely review internal controls, contracts and efforts to correct past findings. AJ Bowers, CPA and Senior Manager for RPC CPA's and Consultants, oversees the Lincoln County Audit. Commissioner Allen attended the entrance conference during which Mr. Bowers provided an overview of their process and solicited feedback from county employees and elected officials regarding any possible known problems, opportunity for fraud, etc. A major portion of the past four audits were several "single audits" for federal grant awards exceeding \$500,000. The federal funding threshold triggering the requirement for a "single audit" increased from \$500,000 to \$750,000 however Lincoln County expended only \$425,000 in federal funds negating this requirement. Types of federal funds received by Lincoln County include Federal Emergency Management Assistance (FEMA) funding for federal disasters and mitigation efforts, US Department of Agriculture funding for forest health projects, Department of Justice funding for drug enforcement and High Intensity Drug Traffic Area (HIDTA) funding, Department of Human Services funding for senior center support, and Community Development Block Grant funding for senior center construction.
2. **Safety Net Care Pool:** The Manager provided a copy of the NM Department of Human Services (HSD) 2015 Safety Net Care Pool Annual Report which details by hospital the Uncompensated Care Payments and Hospital Quality Improvement Initiative payments. The Manager reminded Medicaid Base Rate payments to providers were increased in 2015. The Manager stated payments from HSD to Lincoln County Medical Center for 2015 were as follows:

Uncompensated Care	\$1,684,510
Hospital Quality Improvement Initiative (HQII)	\$ 46,030
Base Rate Increase to Qualifying SNCP (preliminary amount)	\$1,916,493
LCMC Total Disbursements from HSD	\$3,647,033

3. **Fort Lone Tree Road Blind Curve:** The Manager reminded of prior comments from the public regarding the dangerous nature of the blind curve on Fort Lone Tree Road just east of the intersection of Pine Lodge Road and Fort Lone Tree Road. The Manager stated possible solutions to address the problem included cutting down trees in the public easement and on private property owned by Lloyd Golder and straightening the curve by moving the private property fence line back to widen the road. The Manager reported during a telephone conversation with Mr. Golder he expressed a willingness to work with the County toward a solution and committed to providing a local contact to represent his interests. The Manager reminded the County also received numerous complaints from local residents regarding excessive speed contributing to problems on the road.
4. **NM Department of Transportation (DOT) Road Improvement Project – US 54 Lincoln County MP 146 to MP 163:** The Manager reported the DOT was seeking comments on the plan to improve conditions, safety and drainage on seventeen miles of US 54. The Manager stated comments were due by August 5, 2016.
5. **Department of Cultural Affairs Reorganization of Historic Sites – Lincoln and Fort Stanton.** The Manager provided copy of formal correspondence sent to Governor Martinez regarding the planned reorganization of the two historic sites in Lincoln County expressing Commission and public concern. The Manager noted the Department of Cultural Affairs was moving forward with the reorganization plan including conducting interviews for open ranger positions and selection of a new Director for the Historical Sites. The Manager reported the State Personnel Board would review the personnel changes at a hearing on July 21, 2016 in Santa Fe and the New Mexico Legislative Finance Committee would also discuss the plan during an interim meeting in Ruidoso on July 27 through 28, 2016.

6. Calendar of Events:

July 19:	Commission Meeting
July 21:	State Personnel Board Hearing on DCA Reorganization Plan
July 21:	Lincoln Historic Preservation Board meeting (Cancelled)
July 27-28:	Legislative Finance Committee Meeting with DCA on the Agenda
Aug 1-5:	Lincoln County Fair
Aug 5-7:	Old Lincoln Days

7. Departmental Updates:

- a. **Punkin Schlarb, Finance Director** informed staff were working to close out the prior fiscal year, prepare the final budget for the current fiscal year for consideration and adoption today, and working with the auditors.
- b. **Joel Bonnell, Road Superintendent** stated routine road maintenance was ongoing with some additional work required after a heavy rain. Mr. Bonnell stated staff completed a new pad for installation of a new fuel distribution system. Mr. Bonnell reminded the County was instructed to develop a system to better track fuel usage. Mr. Bonnell discussed various vacancies within the department and suggested the County consider additional Operator IV positions for the current fiscal year budget.

There was a general discussion regarding private contractors cutting into County roads, the status of Bonito Lake Road, and problems associated with the chip seal work on Cora Dutton Road.

Alan Morel, County Attorney stated if a private contractor did not obtain a permit to cut into a County road as required by County Ordinance, the Sheriff's office could issue a citation to the contractor.

- c. **Billie Jo Guevara, Administrative Assistant and Human Resources** stood for questions.
- d. **Renee Montes, Senior Services Director** informed the senior centers met or exceeded unit of service goals for the past fiscal year serving 62,767 meals to approximately 1,300 seniors and providing 2,785 units of transportation. Ms. Montes noted the center in Ruidoso Downs was short staffed but applications were submitted and interviews were planned in the next week.
- e. **Curt Temple, Planning Director** stated the County would soon receive the appraisal on the land for the existing compactor site in Lincoln. Mr. Temple anticipated presentation of a Resolution for purchase of the property from the Village of Ruidoso in the near future. Mr. Temple discussed the need for

additional dumpsters for additional replacement of damaged dumpsters and to meet any requests for "private" dumpsters. Mr. Temple reported three self-contained, solar powered cameras were purchased and placed at some of the worst illegal dumping sites.

- f. **Joe Kenmore, Office of Emergency Services Director** reported his staff was busy over the past weeks with ten or so fires started by lightening or catalytic converters ranging from 1.5 to 400 acres. Mr. Kenmore stated he was working with Otero County Electric on repeater sites and had also contacted the company which makes the mobile repeaters previously discussed.

14. 2018-22 Lincoln County Infrastructure Capital Improvement Plan (ICIP) Discussion and Update

Ms. Taylor reminded of the prior discussion of the ICIP in June and the identification of the Lincoln County Detention Center's medical suite as the first priority. Ms. Taylor also noted the recommendation to leave the proposed construction of a new hospital on the ICIP. Ms. Taylor presented the following list of top five project priorities:

Expand Detention Center (Remodel Medical Suite)	\$ 570,000
County Road Repaving – 3 miles	\$ 500,000
Lincoln County Medical Center	\$12,500,000
New Road Yard	\$ 560,000
Fire Station Water Holding Tanks	\$ 30,000

Ms. Taylor discussed the decline in State funding of Capital Outlay projects and noted recently lower cost projects were more likely to receive awards. Ms. Taylor provided a copy of the full Infrastructure Capital Improvement Plan FY 2018-2022 for review.

Ms. Taylor discussed previous capital outlay and grants received for particular projects including fire stations and senior services.

Renee Montes, Senior Services Director reminded the State required the County list any planned Senior Center capital outlay projects on the County ICIP for consideration of any legislative funding. Ms. Montes suggested continued requests for assistance with ADA compliance issues and structural problems at the Hondo Senior Center.

Chair Stone questioned the status of planned improvement for the White Oaks Fire Station and expressed concern about equipment being stored outdoors.

Joe Kenmore, OES Director stated the department continued to seek options to fund improvements but the White Oaks Fire Department's current budget would not support a loan. Mr. Kenmore stated plans to work on improving the department's ISO rating to help improve their budget.

Commissioner Stewart questioned when prior appropriations would expire.

Ms. Taylor stated one award would revert in 2017 and the other in 2018 if not utilized. Ms. Taylor noted the awards of \$20,000 and \$25,000 were insufficient to accomplish expansion but the County could expend General Funds or seek additional capital outlay to complete the project.

Commissioner Draper stated the prior allocation of some funding by the Legislature supported inclusion of the White Oaks Fire Station Expansion on the ICIP as a request for additional funding.

Commissioner Stewart suggested prioritization as follows:

- 1) Expand Detention Center
- 2) Expand White Oaks Fire Station
- 3) County Road Repaving – 3 miles
- 4) Lincoln County Medical Center
- 5) New Road Yard
- 6, 7 and 8) Senior Program Projects
- 9) Fire Station Water Holding Tanks

Ms. Taylor stated she would present the revised final draft for approval during the August Regular Meeting.

15. Carrizozo Senior Center Discussion and Update

Ms. Taylor reminded of the prior discussion and approval of a change order in the amount of \$33,825.08 for the Carrizozo Senior Center.

Alan Morel, County Attorney reported a meeting was held with representatives from Wilson and Company, Roper Construction, and subcontractors for the project. Attorney Morel stated an agreement was reached which identified cost savings decreasing the total costs estimated in the previously approved change order. Attorney Morel further stated Wilson and Company agreed to assume responsibility for \$19,430 of the costs and Roper Construction agreed to assume responsibility for \$7,500 of the costs. Attorney Morel stated the maximum cost to the County for the final change order was \$4,859.09. Attorney Morel stated this cost was for two items not originally included in the construction documents including additional Fire Marshal requirements and an Otero County Electric transformer charge.

Dan Aguirre, Senior Vice President for Wilson and Company presented a detailed breakdown of the two proposed substitute change orders and the cost allocation to the three parties. Mr. Aguirre stated Change Order Number 2 totaled \$20,108.79 and of which Wilson and Company agreed to reimburse Lincoln County \$18,409.24. Mr. Aguirre stated Otero County Electric agreed to reduce the cost of the transformer to \$1,699.51 and this portion of Change Order Number 2 was the County's responsibility. Mr. Aguirre stated an additional Change Order was needed to cover additional costs of \$2,759.97 for cedar fencing and the Fire Marshall's additional requirements with the County's portion being \$1,739.17 for this change order. Mr. Aguirre stated they were still working with the State Fire Marshall to identify why they were requiring items which exceeded current code requirements. Mr. Aguirre stated the change order was split out to facility advancement of the project. Mr. Aguirre stated Wilson and Company agreed to take responsibility for items lacking in the original drawings totaling \$19,430 with the County's total cost for the change orders being \$3,438.68. Mr. Aguirre stated Roper Construction and the plumbing subcontractor had agreed to reduce their billable costs by \$7,500. Mr. Aguirre stated all parties wished to contribute to the success of the project and maintain a good relationship with Lincoln County.

Commissioner Stewart reminded the prior to memo to the Department of Finance and Administration regarding the change order would require amendment.

Ms. Taylor stated DFA indicated they would approve the revised change order expeditiously.

Motion: Approve or amend the recommendation of the contractor and architect in accordance with the presentation, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Ryan Roper, Roper Construction noted Lincoln County hired Wilson and Co to design the project and to act as program manager for the County. Mr. Roper stated as a result of the situation he was provided two options which were either to contribute \$7500 towards the unanticipated costs or to enter into litigation. Mr. Roper stated in view of the situation he accepted the \$7500 in costs to preserve his company's working relationship with the County.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

16. Solid Waste Collection Services Discussion and Update

Attorney Morel presented a detailed review of the revenue and expense forecast for solid waste services for the next fiscal year. Attorney Morel pointed out the Fiscal Year 2016-2017 budget included an estimated \$825,806 in annual revenues and an estimated \$849,511 in expenses including salary and benefit costs for the Solid Waste Billing Clerk.

Attorney Morel stated since a lien filing process for non-payment of fees was approved 43 delinquent accounts had paid in full. Attorney Morel anticipated payment of additional delinquent accounts and suggested annual revenues could increase overtime. Attorney Morel also pointed out the budget included approximately \$160,000 for additional transition costs such as compactor sites, equipment maintenance and capital outlay.

Attorney Morel reviewed the list of compactor site preparations and discussed the recommendation to leave the compactor next to the Glencoe Fire Station on private property. Attorney Morel stated the costs to move the compactor over to County owned property were prohibitive and recommended pursuing a survey and lease negotiation with the private property

owners Nosker and McCoy. Attorney Morel stated the owners were willing to work with Lincoln County to improve access and to lease the property in exchange for exemption from two billings for solid waste services.

Chair Stone questioned why the County would pay to survey private property.

Attorney Morel stated the survey would benefit the County by defining the exact compactor site within the larger parcel in order to develop a lease agreement or for potential purchase.

There was a general discussion of sites needing additional dumpsters due to heavy use in particular areas, the potential demand for private dumpsters, and the need to replace older, damaged dumpsters.

Curt Temple, Planning Director estimated an authorization to purchase 100 dumpsters would suffice for placement of additional dumpsters in certain areas, replacement of dumpsters in poor condition and to distribute as private dumpsters. Mr. Temple stated Sierra Contracting was willing to adjust their contract with Lincoln County to include picking up waste from private dumpsters but the County needed to determine the associated costs and billing requirements.

Attorney Morel reminded a rate for the lease of a private dumpster was not included in recommended changes to the Resolution recently approved. Attorney Morel stated the concern at the time was if a rate was approved the public would request the service and the County was not prepared to disburse private dumpsters at this time.

During further discussion regarding slash disposal, Attorney Morel informed Sierra Contracting was in the process of acquiring a grapple truck. Attorney Morel stated Sierra Contracting anticipated the cost for the slash pickup service as approximately \$100 per hour for ongoing operations including equipment, fuel, slash disposal, and employee costs.

Ms. Taylor suggested negotiation of a separate contract for slash pick up with Sierra Contracting allocating \$10,000 for a trial period.

Commissioner Draper discussed the property owner's responsibilities noting the potential for disparity in property sizes not addressed by a flat rate. Commissioner Draper questioned if the County might contract with the Village of Ruidoso for clean-up of slash piles in the Cedar Creek area and suggested the County research other models or resources for slash pick up.

Attorney Morel discussed the prior authorization to expend \$7,812.50 to relocate the compactor site at Glencoe. Attorney Morel questioned if the prior approved funding for the Glencoe Site of \$7,812.50 was sufficient to prepare a new compactor site on Eagle Creek Court.

Mr. Temple stated the funds were likely sufficient as the site was level but stated the costs could increase depending on the cost to get power to the site.

Motion: Retain the existing compactor site on the Nosker/McCoy property in Glencoe; reallocate approved funding for the Glencoe site to develop a new compactor site in Eagle Creek; explore an optional site for Alpine Village; and research costs associated with the use of Sierra Contracting's grapple truck. **Action:** Approve, Moved by Commissioner Stewart, **Seconded** by Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

There was additional discussion about options to identify accounts who might need slash pick up or who might request a private dumpster.

Commissioner Willard suggested any owner who requested slash pick up as an additional service be billed according to the level of service provided.

Ms. Taylor suggested the County provide information to the public to gauge interest in the proposed provision of private dumpsters, begin to gather related data and present information for a decision on a possible rate for the service at a later date.

Ms. Taylor discussed the significant amount of slash currently accumulated and suggested the County determine a process to pick up current slash without setting expectations of ongoing service. Ms. Taylor stated based on an estimated cost for a regular slash pick up route of \$15,000 the County could consider whether to bill only property owners utilizing the service, bill all property owners, or direct the public to a list of private contractors who provide the service.

Chair Stone recessed the Regular Meeting at 12:00 PM and reconvened at 1:00 PM.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:01 PM.

19. 1:00 P.M.: Public Hearing to consider Final Budget FY 16-17 by Resolution 2016-3

Ms. Taylor informed the Department of Finance and Administration (DFA) notified Lincoln County of their approval of the preliminary budget on June 28, 2016. Ms. Taylor stated the public hearing today was for discussion and consideration of the Final Budget for Fiscal Year 2016-2017. Ms. Taylor discussed DFA's guideline for total general fund transfers and expenses not to exceed general fund revenues by more than 5%. Ms. Taylor stated the budget as presented reflected a healthy ration of 1.51%.

Ms. Taylor detailed changes since approval of the preliminary budget including an increase in the beginning cash balance from an estimated \$6,500,000 to \$8,753,539. Ms. Taylor further informed projected expenditures were revised upwards from \$7,421,695 to \$7,460,475 resulting in an adjusted ending cash balance of \$8,640,530 in the final budget.

Ms. Taylor discussed the statutory requirement for reserved funds equal to 3/12th of General Fund Expenditures or \$1,865,119. Ms. Taylor stated the budget as presented included \$6,755,411 over the required reserves offering the opportunity to approve additional funding requests.

Commissioner Stewart noted annual revenues had declined by approximately \$193,000.

Beverly Calaway, Treasurer suggested one factor contributing to the decline in revenues was the amount of uncollected property tax from prior years. Ms. Calaway informed the State Property Tax Division had set a property tax sale in Lincoln for August 4, 2016.

Chair Stone questioned the amount of the required 12.5% match for FEMA funding of Lincoln County road projects.

Sherri Huddleston, Chief Deputy Treasurer stated the required match for approved projects in the upcoming fiscal year amounting to \$142,000 was approximately \$17,000. Ms. Huddleston stated this amount was included in the fund budget.

Chair Stone noted the amount budgeted for the FEMA project match would otherwise be available for other projects such as the Carrizozo Senior Center parking lot.

Rhonda Burrows, Clerk suggested paving the small parking area next to the County Conference Room entrance in conjunction with any local paving projects to accommodate handicap parking for this side of the courthouse and for voter parking during elections.

Punkin Schlarb, Finance Director informed parking lot repairs needed on the south parking lot included replacement or repair of the concrete parking barriers, repair of surface holes, and other safety issues.

Ms. Taylor clarified the budget request for \$19,000 in parking lot repairs was for the New Horizons facility parking lot. Ms. Taylor reminded the facility for developmentally disabled individuals was owned by Lincoln County and the current parking lot was not conducive to transporting individuals in wheelchairs.

Commissioner Stewart suggested utilizing the additional funding to fulfill internal requests such as parking lot repairs and equipment for County departments.

Chair Stone questioned if the Office of Emergency Services needed additional funding to support improvement of radio communications within Lincoln County.

Mr. Kenmore discussed the status of various towers and repeaters and the requirements for placement of repeaters on towers. Mr. Kenmore stated some of the needed improvements were funded but not all.

Chair Stone suggested communication was a top priority and a matter of safety.

Robert Shepperd, Sheriff discussed a process to use individual Sheriff's Department vehicles as repeaters. Sheriff Shepperd stated he planned to do a trial purchase and installation on one vehicle and noted the New Mexico State Police used a similar system with good results.

Chair Stone reminded there were areas in the County where there was no reception.

Sheriff Shepperd acknowledged there were areas with no service but stated his priority was to improve the current service from hand held devices.

Commissioner Allen questioned if the estimated cost for parking lot repairs at New Horizons was for the full area.

Ms. Taylor clarified the cost estimate was for paving a small area for handicapped parking only.

Ms. Taylor noted the cost of the communication upgrade to Sheriff's vehicles was approximately \$1,800 per vehicle. Ms. Taylor stated there were approximately 14 Road Department vehicles who might also utilize the equipment.

Joe Kenmore, OES stated the County could equip the "first out engines" with this type of system but noted only one vehicle at any one site could function as a repeater.

Ms. Taylor presented a list of additional items for consideration in the budget including a potential cash match for the remodel of the Detention Center Medical Suite.

Ms. Taylor reviewed the preliminary budget approvals for funding of hospital and clinic requests.

Ms. Taylor stated Seferino Montano of La Casa reported a contract was signed with a Nurse Practitioner to staff the Hondo Clinic beginning in August. Ms. Taylor recommended the County develop a process to monitor actual hours of operation of the Hondo Clinic to support expenditure of Mill Levy funds.

Ms. Taylor reminded of the annual review and apportionment by the Board of County Commissioners of the voter approved 3.0 mill levy. Ms. Taylor stated historically the Commission had apportioned 2.0 mills for the hospital and .6 mills for the rural clinics. Ms. Taylor noted the hospital mill levy was at the maximum of 2.0 but there was an option to raise the rural clinic mill levy by .4 mills to reach the maximum of 1.0 mills.

Commissioner Stewart noted the County had received no demand to increase the mill levy for clinic funding.

Ms. Taylor expressed appreciation for the "over and above" work and support provided by the Finance Department and the Treasurer's Office in finalizing the proposed budget.

Chair Stone requested additional public comment and receiving none adjourned the Public Hearing and reconvened the Regular Meeting at 1:56 PM.

There was general consensus to take no action on any additional external agency requests.

Motion: Approve pavement of the Carrizozo Senior Center parking lot for \$60,000, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve the repair of the New Horizon's parking lot for \$19,600, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve the purchase of a Tommy lift for the Maintenance Supervisor for \$2,544, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve acquisition of a transport vehicle for the Sheriff's Department for \$37,000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Chair Stone.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve acquisition of an additional SUV for the Sheriff's Department for \$38,900,
Action: Approve, **Moved by** Commissioner Stewart, **None seconded.**
Motion failed for lack of second.

Motion: Approve acquisition of an additional ¾ ton truck for the Road Department for \$43,500,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Beverly Calaway, Treasurer stated one contributing factor to the decline in revenues was the expiration of the Business Retention Tax.

Commissioner Stewart noted the budget reserves were sufficient to meet the additional request for \$300,000 in operational funds from the hospital.

Chair Stone and Commissioner Allen suggested no changes in hospital or clinic funding at this time.

Motion: Adopt Resolution 2016-03, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.
Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 0).
Yes: Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
No: Commissioner Stewart.

Motion: Approve the adjustments to the CDBG budget to accommodate the apportionment of additional funds for completion of the Carrizozo Senior Center, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT D: Copy of Resolution 2016-03 is attached hereto in reference thereto made a part hereof.

17. Authorization to Engage Bond Counsel after successful negotiation of PHS / County Lease Agreement

Ms. Taylor reminded of prior approval during the April 14, 2015 Special Commission Meeting to enter into a Letter Agreement with RBC Capital Markets to serve as Lincoln County's advisor. Ms. Taylor stated RBC provided information regarding various funding options including the option to issue a General Obligation Bond. Ms. Taylor discussed the associated need for bond counsel services and reported the Modrall Sperling firm had submitted a formal proposal to provide this service. Ms. Taylor suggested approval of these services at this time would facilitate expeditious action once the County completed negotiation of the lease agreement with Presbyterian.

Motion: Grant authority to the Manager and Attorney to finalize a Letter Agreement with Modrall Sperling for services contingent upon the negotiation of a lease agreement with Presbyterian Health Services; and approve the payment of fees for these services from the hospital lease revenue, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

18. Award of RFP 16-17-001 Banking Services for the County of Lincoln

Ms. Taylor informed a Request for Proposals for Banking Services was issued on June 2, 2016 and submitted proposals were opened on July 14, 2016. Ms. Taylor stated an Evaluation Committee consisting of Treasurer Beverly Calaway, Chief Deputy Treasurer Sherri Huddleston, and Finance Director Punkin Schlarb reviewed and ranked proposals submitted as follows:

- | | |
|----------------------------------|----|
| a. 1 st National Bank | 97 |
| b. City Bank | 90 |
| c. Washington Federal | 60 |

Motion: Award RFP 16-17-001 for Banking Services to the 1st National Bank, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

20. Consideration of Appointments and Removal from Boards/ Commissioners/ Committees:

a. Senior Citizens Olympic Committee

Motion: Appoint Patsy Vallejos to the Senior Citizens Olympic Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

21. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

a. Ordinance No. 2015-05 Lincoln County Solid Waste and Litter Ordinance

Motion: Schedule a public hearing to consider revisions to Ordinance 2015-5, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

22. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report *

1. ***Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al. D-1329-CV-2007-01364.** Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016 affirming the district court's determination that statutory damages are not available and vacating \$100,000 punitive damages and attorney fee awards. Order filed April 12, 2016 granting Plaintiff's Motion to Extend Time to File Petition for Writ of Certiorari to May 31, 2016. Plaintiff-Appellant Gale Cooper's Petition for Writ of Certiorari filed with the New Mexico Supreme Court May 31, 2016. Defendants' Response In Opposition to Petition for Writ of Certiorari filed June 15, 2016 in the New Mexico Supreme Court. *Order Denying Plaintiff's Petition for Writ of Certiorari entered on June 22, 2016. Plaintiff filed her Motion for Reconsideration and Rehearing on July 8, 2016.

2. **Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.** Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

3. **Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188** Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

4. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et. Seq. D-1226-CV-2015-00112** Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended

Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Amended Complaint Appealing the Adverse Administrative Decision filed May 9, 2016 by Mr. Beauvais. Defendant's Notice of Filing Petition for Removal to Federal Court was filed May 19, 2016.

B. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et Seq In the United States District Court For The District of New Mexico 2:15-cv-01029. Defendants County of Lincoln and Sheriff Robert Shepperd's Motion to Dismiss entered November 19, 2015. Order Dismissing Without Prejudice entered by Judge Stephan Vidmar April 19, 2016. Amended Complaint Civil Rights Violation filed May 6, 2016 by Mr. Beauvais.

5. Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeier, County of Lincoln, Lincoln County Fair Association, John Does; D-1226-CV-2016-00006 United States District Court for the District of New Mexico 2:16-cv-126. Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016. County of Lincoln's Answer to Complaint filed February 29, 2016.

6. Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036 Civil Complaint filed March 9, 2016 alleging personal and property damage. County of Lincoln's Answer to Civil complaint filed March 29, 2016.

7. State of N.M. (NMDOT) v. Neria, et al D-1226-CV-2002-00129 Complaint for Condemnation filed June 10, 2002 by the New Mexico Department of Transportation requesting a Court Order granting NMDOT the fee simple title to certain real property as is necessary for "highway purposes." Order of Dismissal for Lack of Prosecution was entered July 5, 2005. NMDOT submitted a proposed Motion to Vacate Order of Dismissal and Reinstate Case on May 4, 2016 which was not opposed.

8. Sean McGarry v. Board of County Commissioners, Lincoln County Sheriff's Department, Deputy Mike Wood, Deputy Jason Green, Deputy David Hightower in their individual capacities and as employees of the Lincoln County Sheriff's Department in the United States District Court for the District of New Mexico 2:16-cv-00483 GBW GJF Complaint for damages resulting from the excessive use of force, false arrest, assault and battery, malicious prosecution and false imprisonment of Plaintiff by Defendants. Complaint filed May 26, 2016.

9. Property Owners' Committee of Rancho Ruidoso Valley Estates, Inc., Plaintiff v. Y'Hoshua Cohen and NM Dept. of Workforce Solutions, Defendants v. Property Owners' Committee of Rancho Ruidoso Valley Estates, Inc. et. al. and Lincoln County Solid Waste Authority, Third Party Defendants: D 1226-Cv-2015-00217, Summons improperly served on Lincoln County June 16, 2016, which was for Lincoln County Solid Waste Authority, also known as Greentree Solid Waste Authority.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th Judicial District Attorney's Office
Special Prosecutor

10. *State of NM v. Blaylock, Gregory M-30-MR-2016-00016 Violation of County Ordinance 2014-04: Contraband at Lincoln County Detention Center. Non-Traffic citation was filed in Carrizozo Magistrate Court on February 10, 2016. A misdemeanor arraignment took place February 12, 2016 when the Defendant pled "Not Guilty." Defendant represented by Public Defender's office. Pre Trial Hearing was scheduled for March 29, 2016 but due to Defendant's automobile accident March 28, a reset was scheduled for April 12, 2016 at which time Defendant failed to appear. A Bench Warrant has been issued by the court for failure to appear. A Pre-Trial Hearing is scheduled June 7, 2016 at 9 a.m. on a trailing docket before Judge Mickie Vega. Defendant failed to appear and a Bench Warrant was issued June 7, 2016. *A Pre-Trial Hearing is scheduled for Tuesday, August 9, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega.

11. *State of NM v. Sandoval, Andrew D. M-30-MR-2016-00042 Violation of County Ordinance 2008-08: Animals running at large. Criminal Complaint filed March 31, 2016 in Carrizozo Magistrate Court. First Appearance hearing took place April 20, 2016 where the Defendant pled "Guilty" and was found Guilty. Sentencing Hearing took place May 24, 2016 9 a.m. on a trailing docket before Judge Mickie Vega. Assistant District Attorney Stephen Ochoa appeared on behalf of Mr. Morel due to an unavoidable conflict. Prosecution was unable to confirm that appropriate payment had been made by Defendant to the victim in this case and the case has been reset for Sentencing Hearing July 5, 2016. *It has since been confirmed that the victims have been reimbursed and Judgment and Sentence was entered on July 5, 2016. The

Defendant was found Guilty" and sentenced to 90 days unsupervised probation, \$100 fine and court costs of \$73.00.

12. ***State of NM v. Silva, Marcello Jr. M-30-MR-2016-00062:** Violation of County Ordinance 2014-04: Transportation or Possession of Contraband into/in Lincoln County Detention Center. Criminal Complaint prepared by Sheriff's Deputy Terry Caldwell and filed in Carrizozo Magistrate Court May 25, 2016. Misdemeanor Arraignment took place May 27, 2016 before Judge Mickie Vega where the defendant plead "guilty" and bond was set for \$500 cash or Surety. *A Sentencing Hearing was held on June 28, 2016 at 9:00 a.m. on a Trailing Docket in Carrizozo Magistrate Court at which time the Defendant was found Guilty of possession of a shank/nail. He was sentenced to serve 30 days in the Lincoln County Detention Center "consecutive upon the convictions in the 2 pending L.C. District Court cases", 30 days supervised probation, a fine of \$100.00 and court costs of \$73.00.

13. ***State of NM v. Marmolejo, Noe:** case number not assigned as of June 21, 2016) Violation of County Ordinance 2008-08: Animals running at large. Non-Traffic citation was filed in Ruidoso Magistrate Court by Sheriff's Sgt. Beard June 17, 2016. *An Arraignment Hearing is scheduled for July 25, 2016 at 1:00 p.m. before Judge Katie Lund at the Ruidoso Magistrate Court.

14. ***State of NM v. Widener, Randel M-30-MR-2016-00080** Violation of County Ordinance 2004-05: Unauthorized Structure in Lincoln. Non-Traffic citation was issued by LCSO Sgt. Warren on June 15, 2016 with a court appearance date before Judge Mickie Vega on or by June 30, 2016 at 10:00 a.m. *An Entry of Appearance and Plea of Not Guilty was filed by Attorney Alexandra Bobbit on June 23, 2016. A Pre-Trial Hearing is scheduled for July 26, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega.

15. ***State of NM v. Mendoza, Aimee M-30-MR-2016-00077** Violation of County Ordinance 2008-08: Animals running at large. Non-Traffic citation was issued by Sheriff's Sgt. Warren June 12, 2016 with a request for a Court-issued Summons to the Defendant. An Arraignment Hearing before Judge Mickie Vega is scheduled to take place July 13, 2016 at 1:00 p.m.

16. ***State of NM v. Nava, Gabriel M-30-MR-2016-00081** Violation of County Ordinance 2014-04 Prohibited Contraband in Lincoln County Detention Center. Non-Traffic citation was issued by Sheriff's Stg. Warren June 13, 2016. A Misdemeanor Arraignment took place June 20, 2016 at which time Defendant pled "not guilty." *The Pre-Trial Hearing scheduled for July 12, 2016 was continued and is now scheduled to take place on July 26, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega.

Tort Claims Notices Received or Threatened

2016

Rains, Bonnie – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

Hill, Walter – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

Sonora Corporation (John Russell-CEO)-Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

Jaramillo, Monica – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

Wagoner, John – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

Steward, Tynell – Tort Claim Notice received April 18, 2016 alleging abuse while incarcerated in Lincoln County Detention Center.

Coleman, Chad – Tort Claim Notice received April 25, 2016 alleging warrantless search and seizure and malicious prosecution.

***Parsons-Williams, Karen** – Tort Claim Notice received June 2, 2016 alleging negligent or malicious medical procedure performed at Lincoln County Medical Center on March 9, 2016.

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

Capitan Iron Mine – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

Brown, Shelly – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

2014

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen- Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:18 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 5:03 PM.

Commissioner Willard attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

23. Signing of Official Documents

24. Next meetings:

a. August 16, 2016 - Regular Commission Meeting

Motion: Reschedule the Regular Commission Meeting from September 20, 2016 to September 27, 2016, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).


Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

25. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 5:05 PM.

County of Lincoln
Board of County Commissioners


Preston Stone, Chair



Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member


F Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

August 16, 2016
Date Approved

